

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

PAUL MCCAFFERTY,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-00418

TFC JOHN W. GILKESON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 12, 2018, the Plaintiff, proceeding *pro se*, filed his Complaint (Document 3) in this matter. Now pending is the Plaintiff's Motion for Default Judgment (Document 12) filed on April 20, 2018.

By *Standing Order* (Document 4) entered on March 12, 2018, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.


On August 30, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 37) wherein it is recommended that the Plaintiff's Motion for Default Judgment be denied, and that the matter be referred back to the Magistrate Judge for further proceedings. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 17, 2018.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Motion for Default Judgment (Document 12) be **DENIED**. The Court further **ORDERS** that this matter be **REFERRED** back to Magistrate Judge Aboulhosn for further proceedings, pursuant to 28 U.S.C. § 636.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: September 18, 2018


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA